



**PATENT**  
Attorney Docket No. 33684/US/2/BM  
Dorsey File No. 473299-00003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* application of:

Hanswaler Zentgraf et al.

Serial No.: 10/686,355

Filing Date: October 14, 2003

For: ANTIBODIES ACTIVE AGAINST A  
FUSION POLYPEPTIDE  
COMPRISING A HISTIDINE  
PORTION

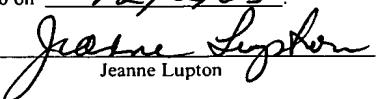
Examiner: To Be Assigned

Art Unit: To Be Assigned

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on 12/2/03.

Signed:

  
Jeanne Lupton

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the reference cited on the accompanying substitute for form PTO-1449. Copies of the references are enclosed herewith. These references were cited in the corresponding European Patent No. 0 815 141 during the Opposition procedure.

Also enclosed is a copy of the Information Disclosure Statement and accompanying substitute for form PTO-1449 submitted on January 9, 1998 in the parent case, U.S. Application Serial No. 08/913,139. The cited references were filed with the USPTO at that time and are not included herewith.

Serial No.: 10/686,355  
Filing Date: October 14, 2003

None of the foregoing references is believed to disclose the invention as claimed.

Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

As far as is known to the undersigned, this Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national state in an international application, or before the mailing date of a first Office Action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required.

While no fee is believed to be due, if this belief is in error the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. 473299-00003 (33684/US/2/BBM)).

Serial No.: 10/686,355  
Filing Date: October 14, 2003

Please direct any calls in connection with this application to the undersigned at  
(415) 544-7079.

Respectfully submitted,  
DORSEY & WHITNEY LLP

BY:

  
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Dated: 12/21/03  
Dorsey & Whitney LLP  
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Attachments: Form PTO 1449  
11 References



Express Mail No.: EM 202 006 770 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

International Application of: ZENTGRAF *et al.*

Serial No.: 08/913,039

Group Art Unit: N/A

Int'l Filing Date: March 1, 1996

Examiner: N/A

For: ANTIBODIES ACTIVE AGAINST  
A FUSION POLYPEPTIDE  
COMPRISING A HISTIDINE  
PORTION

Attorney Docket No.:  
8484-029-999

Assistant Commissioner of Patents and Trademarks  
BOX DD  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. § 1.56**

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references coming to the attention of Applicants or attorneys or agents for Applicants which are or may be material to the examination of the subject application, Attorneys for Applicants hereby invite the Examiner's attention to the references listed on the accompanying revised PTO Form 1449 entitled "List of References Cited".

Identification of references listed on PTO Form 1449 is not to be construed as an admission of Applicants or attorneys for Applicants that such references are available as "prior art" against the subject application. The right is reserved to antedate any item in accordance with standard procedure.

This submission is understood to complement the results of the Examiner's own independent search. The submission should not be construed as a representation that a search was made, or that the cited items are inclusive of all the relevant and material citations that may be available publicly.

Applicants respectfully request that the references listed on the attached PTO Form 1449 be made of record in the file history of the above-captioned application.

Applicants believe that no fee is required with submission of the enclosed IDS because the IDS is filed before the mailing of the first Office Action on the merits. However, if it is found that a fee is necessary, please charge the required fee to Pennie & Edmonds Deposit Account No. 16-1150. A copy of this sheet is provided.

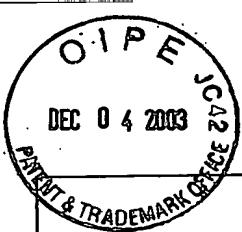
Respectfully submitted,

Date January 9, 1998

  
Laura A. Coruzzi / *by Victoria J.*  
Laura A. Coruzzi Reg. No. 35,750 30,742  
(Reg. No.)

PENNIE & EDMONDS LLP  
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New York, New York 10036-2711  
(212) 790-9090

Enclosure



DEC 04 2003

## LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.	APPLICATION NO.
8484-029-999	08/913,039
APPLICANT	
ZENTGRAF et al.	

INT'L FILING DATE  
March 1, 1996

GROUP

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
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## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AA	WO,A,94 08241	14-04-94					
	AB	DE,C,195 07 166	18-04-96					
	AC	DE,A,43 39 533	14-06-95					

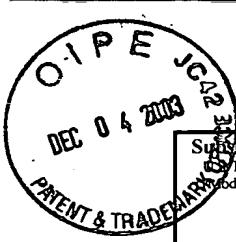
## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

AD	Campbell <i>et al.</i> , 1993, "Functional Complementation of an <i>Escherichia Coli</i> Ribonuclease H Mutation by a Cloned Genomic Fragment from the Trypanosomatid <i>Crithidia Fasciculata</i> ", <u>Proc. Natl. Acad. Sci. U.S.A.</u> <u>90</u> :9350-9354
AE	Evans <i>et al.</i> , 1992, "Immunodetection of Recombinant Proteins Based on Antibodies Directed Against a Metal Binding Peptide Engineered for Purification by Immobilized Metal Affinity Chromatography", <u>Journal of Immunological Methods</u> <u>156</u> :231-238
AF	Patel <i>et al.</i> , 1995, "The Product of the UL6 Gene of Herpes Simplex Virus Type 1 is Associated with Virus Capsids", <u>Virology</u> <u>206</u> :465-478
AG	Pederson <i>et al.</i> , 1994, "Molecular Characterization of the AL3 Protein Encoded by a Bipartite Geminivirus", <u>Virology</u> <u>202</u> :1070-1075
AH	Zentgraf <i>et al.</i> , 1995, "Detection of Histidine-Tagged Fusion Proteins by Using a High-Specific Mouse Monoclonal Anti-Histidine Tag Antibody", <u>Nucleic Acids Res.</u> <u>23</u> (16):3347-3348

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



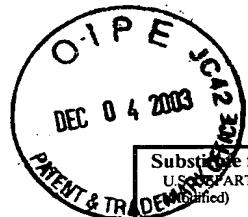
<p><b>Substitute for form 1449A/PTO</b>  <b>U.S. DEPARTMENT OF COMMERCE</b>          (modified) <b>PATENT AND TRADEMARK OFFICE</b></p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>          (Use as many sheets as necessary)</p>				ATTY. DOCKET NO.: 33684/US/2 473299-00003	APPLICATION NO.: 10/686,355
				FIRST NAMED INVENTOR: Hanswalter Zentgraf, et al.	
				FILING DATE: October 14, 2003	ART UNIT: Not Yet Assigned
Sheet	1	of	2	EXAMINER NAME: Not Yet Assigned	

**U.S. PATENT OR PUBLISHED PATENT APPLICATION DOCUMENTS**

**FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION**

\* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3) <sup>4</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.



Substitute for form 1449B/PTO U.S. DEPARTMENT OF COMMERCE (if applicable) PATENT AND TRADEMARK OFFICE				ATTY. DOCKET NO.: 33684/US/2 473299-00003	APPLICATION NO.: 10/686,355
				FIRST NAMED INVENTOR: Hanswalter Zentgraf, et al.	
				FILING DATE: October 14, 2003	ART UNIT: Not Yet Assigned
Sheet	2	of	2	EXAMINER NAME: Not Yet Assigned	

#### OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS <sup>1</sup>	Cite No. <sup>2</sup>	(Include name of Author ) in CAPITAL LETTERS, Title of article (when appropriate, title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published)	T <sup>2</sup>
	AJ	Evans, D.B., et al., "Immunodetection of Recombinant Proteins Based on Antibodies Directed Against a Metal Binding Peptide Engineered for Purification by Immobilised Metal Affinity Chromatography," <i>Journal of Immunological Methods</i> , 155 pp. 231-238 (1992).	
	AK	Howard, R.J., et al., "N-terminal Amino Acid Sequence of the Histidine-rich Protein from Plasmodium Lophurae," <i>Molecular and Biochemical Parasitology</i> , 12, pp. 237-246 (1984).	
	AL	Howard, R.J., et al., "Secretion of A Malarial Histidine-rich protein (PfHRP II) from Plasmodium Falciparum-Infected Erythrocytes," <i>The Journal of Cell Biology</i> , Vol. 103, pp. 1269-1277 (1986).	
	AM	Randall, R.E., et al., "Two-tag Purification of Recombinant Proteins for the Construction of Solid Matrix – Antibody – Antigen (SMAA) Complexes as Vaccines," <i>Vaccine</i> , Vol. 11 (12) pp. 1247-1252 (1993).	
	AN	Ravetch, J.V., et al., (Direct Submission), NCBI Accession No. CAA25698 (GI9999), 29 March 1993.	
	AO	Receipt of Deposit, DSM No ACC2207, February 15, 1995 (German).	
	AP	Sequence Alignment of Sequences PfHRP-II, PfHRP-III, and PIHRP precursor; sequences as such known before the priority date.	
	AQ	Wellem, T.E. and Howard, R.J., "Homologous Genes Encode Two Distinct Histidine-Rich Proteins in a Cloned Isolate of Plasmodium Falciparum," <i>Proc. Natl. Acad. Sci. USA</i> , Vol. 83, pp. 6065-6069 (1986).	
	AR	Wellem, T.E., et al., (Direct Submission), NCBI Accession No. AAA51639 (GI160336), 3 May 2002.	
	AS	Zentgraf, H., et al., "Detection of Histidine Tagged Fusion Proteins by Using A High Specific Mouse Monoclonal Anti-Histidine Tag Antibody," <i>Nucleic Acids Research</i> , Vol. 23 (16) pp. 3347-3348 (1995).	
EXAMINER SIGNATURE			DATE CONSIDERED

1124591

<sup>1</sup> EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

<sup>2</sup> Applicant's unique citation number (optional).

<sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.



Express Mail No. EM 202 006 770 US First Class Mail ( )  
Date Mailed January 9, 1998  
Ser. No. 08/913,439 Int'l Filed March 1, 1996  
Inventor ZENTGRAF et al.  
For ANTIBODIES ACTIVE AGAINST A FUSION POLYPEPTIDE COMPRISING  
A HISTIDINE PORTION

- ( ) Affidavit/Declaration ( ) Fee Address Indication Form  
( ) Amendment ( ) Fee Calculation  
( ) Application        Pages ( ) Issue Fee Transmittal  
( )        Claims        Drawings  ( ) Letter  
( ) Appeal, Notice of ( ) Oral Hearing Req./Confirm.  
( ) Assignment ( ) Petition to Extend Time  
( ) Brief (in triplicate) ( ) Pet. under 37 C.F.R.  
( ) Declaration & Power of Attorney ( ) Power of Attorney  
( ) Design Application ( ) Associate        w/Revocation  
( ) Disclaimer ( ) Sequence Listing w/Computer  
(X) Disclosure Statement+copy of fee sheet Readable and Paper Copies  
(X) w/refs. ( ) w/o refs. ( ) Small Entity Statement  
( ) Drawings Formal ( ) Status Letter  
      Sheets        Figures ( ) Transmittal Letter

Other: List of References Cited by Applicant; return postcard

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